

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – REZONING)**

September 24, 2007

**5:15 PM
Aldermanic Chambers
City Hall (3rd Floor)**

In the absence of Mayor Guinta Chairman Lopez called the meeting to order.

Chairman Lopez called for the Pledge of Allegiance, this function being led by Alderman Smith.

A moment of silent prayer was observed.

The Clerk called the roll. There were ten Aldermen present.

Present: Aldermen Roy, Long, Pinard, O’Neil, Lopez, Shea, DeVries,
Garrity, Smith, Thibault

Absent: Aldermen Gatsas, Duval, Osborne, Forest

Chairman Lopez advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to a proposed Zoning Ordinance; that the Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

5. The Clerk presented the proposed Zoning Ordinance change:

“Amending the Zoning Ordinances of the City of Manchester by extending the Neighborhood Business District (B-1) into an area currently zoned Urban Multifamily District (R-3), being a portion of Tax Map 178, Lot 12 with an address of 438 Dubuque Street and abutting Amory Street. A majority of the property is currently zoned R-3 and the petition would extend the B-1 to include the entire lot.”

Chairman Lopez requested Robert MacKenzie, Director of Planning and Community Development, make a presentation.

Mr. Robert MacKenzie, Director of Planning and Community Development, stated this is a fairly straightforward rezoning request. We’ve put a map here and the map’s also in your package. This is the property of the old Rimmon School at the corner of Amory Street and

Dubuque Street. You can see a portion of the property and a portion of the building are in the B-1, which is a Neighborhood Business. It abuts an area that's R-3 so the rear portion, the rear two-thirds of the lot roughly the rear two-thirds of the building are in the R-3 District so the request would be to extend the B-1 Neighborhood Business District to cover the entire lot. The current use is for the first floor is renovated and is used for the offices of the Southern NH Planning Commission. The second floor is anticipated to be used or leased out at some point and that has not happened. I would note that we did some research going back through the years on this particular lot and up to about the year 2001 the entire lot was zoned B-1. So when the ordinance was cleaned up I suspect the lines were just straightened out in this area. You can see that the lines are set distance off from Amory Street on either side because we found no references during the changes of 2001 that specifically said that that line should be pulled in so from I believe the original date of the Zoning Ordinance 1927 up through 2001 this back portion of the lot was Neighborhood Business...that is the quick version. At this point I'd be happy to answer any questions of the Board.

Chairman Lopez asked any questions of the Board. There were none.

Chairman Lopez called for those wishing to speak.

Claudette Bean, 415 Dubuque Street, Manchester, NH, stated:

I live right across the street from the Planning Commission corner of Dubuque and Amory Streets. I gathered together some signatures of people that are concerned about taking these parking places from the neighborhood because of the odd/even situation especially. I made a close measurement of both of the parking areas and I measured 47 feet and 26 feet on the smaller. They have moved the sign about 7 feet from the first entrance already compared to what is used to be. So that did take away one parking spot. So I do have names of people here that I collected that strongly feel that we need the parking there and that's all I have to say on this matter.

Alderman O'Neil stated just for clarification if I may ask a question. You indicate something about parking places. Are you led to believe that something's going to change with parking?

Ms. Bean replied yes. I was under the impression that they're trying to remove the parking on the Dubuque side.

Alderman O'Neil stated I might yield to Alderman Thibault. I'm not aware of anything.

Alderman Thibault stated when a big truck parks over there they have a hard time getting in and out of there that's the only reason that they got involved with parking at all. If a car parks there it's not a problem but if a big truck parks there they can't get in or out and it looks like it's going to cause an accident because they can't see around the truck that's there.

Ms. Bean stated there's a sign that says "No Parking Here to Corner".

Alderman Thibault stated but they park there anyway that's the problem.

Chairman Lopez stated so your opposition, Ma'am...is how many parking spaces you're going to lose.

Ms. Bean stated it would probably come out to five parking places.

Chairman Lopez stated I'm sure when we visit that we'll take a look at that and Mr. MacKenzie the Director here will point that out. But if you some signatures the City Clerk can take those for you.

Alderman Thibault stated, Mr. Chairman, as I understand there is nothing from Southern NH Planning Commission that is thinking of taking parking places in the area at all.

Alderman Gatsas asked Mr. MacKenzie how many total square feet in the building?

Mr. MacKenzie replied I know that the lot is about a little bit over 16,000 square feet and I believe that the building is on the order of 12,000 square feet...on two floors.

Alderman Gatsas asked what is the current use of the entire building?

Mr. MacKenzie replied the first floor is used for offices. The second floor is currently vacant.

Alderman Gatsas asked why are we looking to rezone this?

Mr. MacKenzie replied you could probably ask Mr. Preece who's here representing Southern NH Planning Commission. I think they're looking for the flexibility. They always intended, I believe, to rent the second floor out and I think they're looking for the flexibility to get the correct zoning to do that.

Alderman Gatsas asked could they achieve that through variance?

Mr. MacKenzie replied they could potentially achieve that by variance. It does make it a little bit tougher because you have to have a specific use in hand rather than going out and marketing it generally. You'd have to have a prospective tenant in hand to go to the ZBA.

Alderman DeVries stated just a clarification. When you gave your presentation you indicated that prior to the last rezoning this had been zoned B-1 the entire parcel and you

make an assumption that somehow when they drew the line they just split this particular parcel in half by drawing a straight line.

Mr. MacKenzie stated yes I actually checked with the staff people that worked on the new zoning map that we've done and they were not aware of any specific reason why that would have changed other than they just kept the distance off the center line of Amory Street...the same all along Amory Street.

Alderman DeVries stated so basically what we're doing tonight is correcting an error that occurred back in 2000.

Mr. MacKenzie stated you could say that. I suspect if I had known at the time that that was being pulled back I probably would have suggested that that be kept the way it was before the 2000 amendment.

Alderman DeVries asked is it not unusual though for a zone to split a parcel...aren't parcels usually considered as one entire entity within a zone?

Mr. MacKenzie replied there are a lot of situations in the City where there's split zoning and it does sometimes cause difficulties.

Alderman DeVries stated I'm just going back to your last presentations where you take entire parcels and you're moving lines rather than splitting them in half. So I guess maybe that's what I'm thinking of.

Chairman Lopez stated maybe the Director can come up here I'd like to ask him a couple of question.

Mr. MacKenzie stated I would like to clarify I was not aware of any proposal that was going to remove on-street parking. So I know that Ms. Bean had a concern about that but I had not heard that as part of this project or as part of the rezoning.

Chairman Lopez stated that was basically the question I was going to ask the Director about the parking. Do you know of any parking that is going to be removed if this is granted?

Mr. David Preece, Executive Director of Southern NH Planning Commission, replied no I do not.

Chairman Lopez asked could you explain to me again as to what the intent is here...there's no intent here whatsoever.

Mr. Preece replied the intent is to rent out the first space and to renovate the second space for the offices for the Southern NH Planning Commission. We have outgrown our first floor and we need some more flexible space and what we have found by talking to realtors was in the area the first floor would be more marketable to lease out and that's why we're doing this.

Alderman DeVries stated available parking...it looks like it's about 15...I tried to count the spaces on the GIS grid...does that sound about right?

Mr. Preece replied that's correct.

Alderman DeVries stated this is shifting from residential into office so has anybody done a calculation...do you feel that you'll be in a better position to have on-site parking by going to office versus residential.

Mr. Preece stated when we come to that point of leasing that space to the tenant on the first floor what we'll probably do is come back for a variance for the parking or find parking on a site other than the Southern NH Planning Commission. We've been talking with the Diocese currently of leasing parking space at the Cathedral of St. Marie and we'll continue that negotiation if that time comes though.

Alderman Smith stated Bob this is addressed to you. It's a mixed zone I can't understand why this wasn't zoned entirely at the time when the property was acquired from the City could you tell me why it wasn't zoned?

Mr. MacKenzie replied it was zoned properly when it was acquired. I believe it was renovated in 1995 so at that time the entire lot was Neighborhood Business B-1.

Alderman Smith stated the situation now is it seems as though they want another parcel of land for their business. If they're going to rent out the second floor it's understandable that they're going to have more cars on the street and the adjacent area.

Mr. MacKenzie stated depending on the business and depending on how many spaces are currently used I do know that when I go over there for meetings there are spaces available so it really would depend on the type of business as to how many parking spaces would be needed for that other user.

Alderman Smith stated I know the area very well and I know the building very, very well and they can put quite a few professional offices there up on the second floor. If you can address it I'd like to have you do it.

Mr. Preece stated our intent is to find a business, a light business use that is equivalent to the operations of what's currently there...a local government or government agency and using that we do not think we're going to impact the neighborhood by traffic or by parking.

Alderman Smith stated so you're telling me personally that traffic or parking will not be affected by residents in your area of the school building.

Mr. Preece stated I do not think it is going to be impacting the neighborhood.

Alderman O'Neil stated Alderman Thibault, Ray Clement who's here, Peter Capano and myself are the City's four delegates to the Southern NH Planning Commission...this has the full support of the entire Commission. I don't want to speak for Alderman Thibault or Mr. Clement or Mr. Capano but David correct me if I'm wrong the Commission has held its dues at whatever the rate has been for years, the building I think from day one was known it was going to be entire occupied and the Commission has now made a business decision to occupy it so this should not be a surprise to anyone.

Alderman Thibault stated also I have been on that Commission about 12 years and I've never seen a parking problem in the area. Every time I go there for meetings I have a place to park and I've never had a problem. I've never heard of a problem in the area. Now if we're talking about cars overnight in the wintertime well that's a residential problem throughout the whole City not just on Dubuque Street.

James Rose, 415 Dubuque Street, Manchester, NH, stated:

Well I guess you've addressed the issue of...I guess our whole concern in the neighborhood was the winter parking. If that's not going to affect the overnight parking in the area I believe that was our whole concern. We were under the assumption that they were trying to take parking away from there...that was our concern.

Alderman Thibault stated no believe me they're not doing that.

Mr. Rose stated like I said that's all the people in the neighborhood...that was our concern. Somehow it was misunderstood on our behalf. As long as that's not affected I don't think that we have a problem here.

Alderman Thibault stated it will not affect the local residents as far as winter parking or whatever...will not affect that at all.

Chairman Lopez advised that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.

There being no further business to come before the Board, on motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to adjourn.

A True Record. Attest.

City Clerk